

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Tatsuya MATSUMRA, et al.)	Confirmation No.: 5583
)	
Application No.: 10/571,996)	Group Art Unit: 2882
)	
Filed: March 15, 2006)	Examiner: Mona M. Sanei
)	
For: X-RAY TUBE)	

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop ISSUE FEE
Alexandria, VA 22314

Sir:

STATEMENT OF SUBSTANCE OF EXAMINER INTERVIEWS

In response to the Interview Summary form mailed with a Supplemental Notice of Allowability on February 25, 2009 and an Interview Summary form mailed with a Notice of Allowance on December 24, 2008 in the instant application, the following Statement of the Substance of Examiner Interviews (hereinafter "Statement") is hereby submitted.

Applicants' undersigned representative received a telephone message on December 19, 2008 from U.S. Patent and Trademark Office ("USPTO") Examiner Mona M. Sanei (hereinafter "the Examiner") who is currently handling this application.

The Examiner indicated that she is prepared to allow this application if minor changes were made to dependent claim 14. Accordingly, Applicants reached agreement with the Examiner that if claim 14 was amended to read as follows "...wherein said X-ray tube further

comprises a protection electrode is deposited on an said inner surface of said glass faceplate ...”, then this application would be passed to issuance. Applicants proceeded with giving the Examiner authorization to implement this change via an Examiner’s Amendment to be included in a Notice of Allowance to issue shortly in this application. Accordingly, the Examiner indicated that she would proceed in that way.

The Notice of Allowance issued on December 24, 2008. However, Applicants noted an error in the Examiner’s Amendment included in the December 24, 2008 Notice of Allowance. Accordingly, Applicants’ undersigned representative placed a telephone call to the Examiner on Wednesday, February 4, 2009 to discuss this issue. During this call, Applicants’ undersigned representative pointed out the error in the Examiner’s Amendment that is included in the Notice of Allowance dated December 24, 2008. In this regard, the Examiner agreed that the indications in the Examiner’s Amendment of “claim 4” at page 2, section 1 of the attachment to the Notice of Allowance should have read “claim 14.”

As to another issue, Applicants received an Office Communication dated January 23, 2009 from the Examiner in this application. In this Office Communication, the Examiner indicated that the Information Disclosure Statement (“IDS”) filed on December 19, 2008 has not been considered because the cited non-U.S. references were not attached to the IDS filing. Applicants’ undersigned representative reviewed the file and it appeared that all cited non-U.S. documents had in fact been properly submitted with this IDS. Also, as further evidence that these non-U.S. references were properly submitted on December 19, 2008, Applicants’ undersigned representative noted that copies of these cited non-U.S. documents are present on the public PAIR portion of the USPTO’s website for this application. Applicants’ undersigned

representative pointed out this issue to the Examiner and the Examiner noted that she would need to review the situation and also discuss it with her supervisor.

Accordingly, Applicants' undersigned representative conducted follow-up telephone discussions on February 9 and 10, 2009 with the Examiner regarding her review of the above-noted two issues with her supervisor. As to the first issue, the Examiner's supervisor indicated that it would not be possible to send a new full Notice of Allowance in this instance because the change to the Examiner's Amendment is minor. Instead, the Examiner informed us that a new Examiner's Amendment will be mailed that indicates that it is a replacement of the previous Examiner's Amendment which included an error in the claim number indication.

As to the second issue, the Examiner noted that she had overlooked the non-U.S. references, but she has now determined that they were in fact properly submitted with the IDS filed on December 19, 2008. Accordingly, the Examiner noted that she would indicate such in the paper to be sent including the new Examiner's Amendment. The Examiner also noted that she would also include an Examiner-initialed version of the PTO Form 1449 from the IDS filed on December 19, 2008 to indicate that the cited references have been properly considered.

These issues appear to be appropriately addressed in the Supplemental Notice of Allowability and associated papers as mailed on February 25, 2009 in this application. However, it appears that the "Date of Interview" of "04 January 2009" listed on the Interview Summary form mailed with the Supplemental Notice of Allowability on February 25, 2009 includes a typographical error that should have read "04, 09 and 10 February 2009"

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this

application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: March 19, 2009

By:



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